

E-FILED ON September 15, 2006

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**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR  
 Chapter 11  
 Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:  
☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC

**DECLARATION IN SUPPORT OF EX  
 PARTE APPLICATION FOR ORDER  
 SHORTENING TIME TO HEAR MOTION  
 TO INCREASE THE DEBTORS' 180-DAY  
 EXCLUSIVE PERIOD TO CONFIRM  
 PLANS OF REORGANIZATION TO  
 DECEMBER 31, 2006  
 (AFFECTS ALL DEBTORS)**

Date: OST PENDING  
 Time: OST PENDING

Jeanette E. McPherson hereby declares and states as follows:

1. A Motion To Increase The Debtors' 180-Day Exclusive Period To Confirm Plans of Reorganization To December 31, 2006 (the "Motion") has been filed. The Motion requests an order under 11 U.S.C. § 1121(d) to increase the 180-day period under 11 U.S.C. § 1121(c)(3) that

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the Debtors have to confirm a plan of reorganization. The 180 day exclusive period to obtain acceptance of the proposed plan of reorganization by each class of claims or interests that is impaired under the plan will expire on or about October 10, 2006. There is no possibility that the Debtors will be able to obtain approval of the disclosure statement and solicit votes by October 10, 2006. The process will take at least 90 days and, in a case this size, more likely an additional 120 days.

2. The Debtors request that the hearing on the Motion be held on September 28, 2006, as the 180 day exclusive period expires on or about October 10, 2006. However, if the Court finds that only the request has to be filed in the exclusive period, as found in *In re Perkins*, 71 B.R. 294, 296- 300 (W.D.Tenn.1987); *In re Nicolet, Inc.*, 80 B.R. 733, 741 (Bankr. E.D.Pa. 1987), but see *In re Westgate General Partnership*, 55 B.R. 562 (Bankr. E.D. Pa. 1985) (request for extension of the exclusivity period is timely if filed, listed, *and* decided before the expiration of the period), then the Court does not have to shorten the time and this motion can be heard at the regular Omnibus Hearing Calendar on October 19, 2006.<sup>1</sup>

3. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

Dated: September 15, 2006

/s/ Jeanette E. McPherson  
 Jeanette E. McPherson, Esq.

<sup>1</sup> In addition, *In re Victoria Station Inc.*, 88 B.R. 231 (9th Cir.BAP 1988), stated:

This Panel's allowance of multiple extensions under § 365(d)(4), so long as cause exists and the motion is brought prior to the lapse of the previous extension, is also supported by several courts' allowance of multiple enlargements of a debtor's exclusive period to file a Chapter 11 plan under § 1121(d). *E.g. In re Perkins*, 71 B.R. 294, 296- 300 (W.D.Tenn.1987); *In re Pine Run Trust, Inc.*, 67 B.R. 432 (Bankr.E.D.Pa.1986). In the instant case, Willamette essentially makes the identical argument as that presented to the District Court in *Perkins*. In rejecting the appellant's argument in that case, the District Court stated, "it is not logical to require that the bankruptcy judge make any enlargement decision based only on the facts available to him during the initial 120-day or 180-day period; it would be unfair to expect such prescience." *Perkins*, 71 B.R. at 297.